

**ORDINANCE NO. 08-72**

ORDINANCE REZONING PROPERTY FROM C-4 (COMMERCIAL DISTRICT) WITH ASSOCIATED VARIANCES TO C-2 (LIBERAL RETAIL COMMERCIAL DISTRICT); AND REPEALING AND RESCINDING HIALEAH, FLA., ORDINANCE 02-13 (FEB. 21, 2002). **PROPERTY LOCATED AT 3333 PALM AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of August 13, 2008 recommended approval of this ordinance; and

**WHEREAS**, the Petitioner proffers to construct a monument sign at the southwest corner of the property in lieu of the LED pylon sign indicated in the site plan, to which the City accepts.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The below-described property is hereby rezoned from C-4 (Commercial District) with associated variances to C-2 (Liberal Retail Commercial District). Property located at 3333 Palm Avenue, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOTS 1 THROUGH AND INCLUDING 9, AND THE WEST 15 FEET OF LOT 10, IN BLOCK 1, OF SUNSET MANORS NUMBER 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 11, AT PAGE 3, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; TOGETHER WITH THE WEST 182 FEET OF THE NORTH ½ OF TRACT 63, LESS THE NORTH 30 FEET FOR ROAD RIGHT-OF-WAY, SUBDIVISION OF SECTION 6, TOWNSHIP 53 SOUTH, RANGE 41 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7,

AT PAGE 113, OF THE PUBLIC RECORDS OF MIAMI-  
DADE COUNTY, FLORIDA.

**Section 2: Repeal of Hialeah, Fla., Ordinance 02-13.**

Hialeah, Fla., Ordinance 02-13 (Feb. 21, 2002) is hereby repealed and rescinded in its entirety.

**Section 3: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 5: Severability Clause.**


If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 6: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the

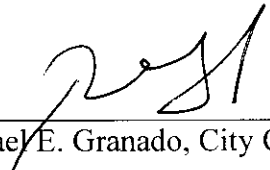
Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

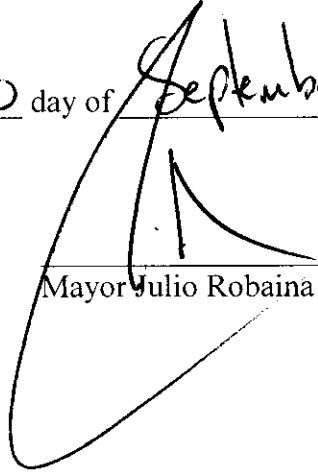
PASSED and ADOPTED this 9th day of September, 2008.

  
\_\_\_\_\_  
Esteban Bovo  
Council President

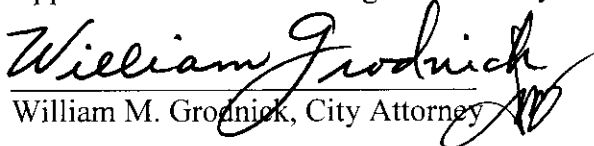
Attest:

Approved on this 10 day of September, 2008.

  
\_\_\_\_\_  
Rafael E. Granado, City Clerk

  
\_\_\_\_\_  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

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Ordinance was adopted by a 6-0-1 vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Gonzalez, Hernandez, and Yedra voting "Yes" and Councilmember Garcia-Martinez absent.